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June 4, 2015

VIA ECF

The Honorable James Orenstein
United States Magistrate Judge
Courtroom 11D South
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *In re Espar Antitrust Litig.*, Case No. 1:15-MC-00940-JG-JO
(Indirect Purchaser Actions Only)

Dear Judge Orenstein:

The undersigned counsel for Indirect Purchaser Plaintiffs submit this joint report pursuant to the May 22, 2015 Minute Order entered in *Raccoon Valley*,¹ *Regional International*,² and related direct purchaser actions.³ Separate reports are being submitted by counsel for the Direct Purchaser Plaintiffs and counsel in *Raccoon Valley*. The May 22 Order directed plaintiffs to submit a report by June 5 after conferring (1) with respect to pending motions to appoint interim lead class counsel, and (2) to propose dates for further conferences. The Order also directed that if there was no agreement on the issue of class leadership by June 5, the report should propose a schedule for the submission of supplemental letters on that issue.⁴

¹ *Raccoon Valley Trans. Inc., et al. v. Espar, Inc.*, No. 15-cv-01338-JG-JO (“*Raccoon Valley*”)

² *Regional Int’l Corp. v. Espar, Inc., et al.*, No. 15-cv-01798-JG-JO (“*Regional International*”)

³ See, e.g., Civil Conference Minute Order, *Regional International*, ECF No. 23 (May 22, 2015).

⁴ *Id.*

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Appointment of Interim Lead Class Counsel

Since the Court's Order, two additional indirect-purchaser actions have been filed,⁵ and counsel have been advised that a fifth indirect-purchaser case will be filed shortly. Counsel for all of the indirect-purchaser plaintiffs, including for the two newly-filed cases and the prospective case, have conferred in an attempt to agree upon a leadership structure to govern the indirect-purchaser cases. Despite such efforts, no agreed structure was reached.

Given these developments with the filing of additional actions, the undersigned indirect-purchaser counsel propose the following two step procedure. First, any counsel whose case was not on file as of May 22 would submit a motion requesting appointment as interim class counsel or such other role as they deem appropriate by **Friday, June 12**. Counsel in the *Raccoon Valley* and *Regional International* cases have already filed motions for appointment as interim class counsel and those motions would not be repeated. Counsel would then submit the "supplemental letters" contemplated by Paragraph 2 of the May 22 Minute Order by **Friday, June 19**. During this period, counsel would continue to confer and attempt to reach agreement on an indirect-purchaser leadership structure.

Proposed Dates for Further Conferences

Defendants have proposed that the next status conference be scheduled for August 7, 2015, with quarterly conferences thereafter. This proposal is acceptable to the undersigned counsel.

Respectfully submitted,

/s/

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⁵ *Davidson Transfer, LLC, v. Espar, Inc., et al.*, No. 15-cv-03005-WFK-CLP ("*Davidson Transfer*"); *Johnson, et al. v. Espar Inc.*, No. 15-cv-03174-JG-JO ("*Johnson*"). The *Johnson* case has been consolidated into *In re Espar Antitrust Litig.* Counsel for Regional International Corp. filed a Notice of Related Case regarding the *Davidson Transfer* case on May 29, 2015, but it has not yet been consolidated. See ECF No. 2.

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